



Commonwealth of Massachusetts State Ethics Commission

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SUFFOLK, ss

COMMISSION ADJUDICATORY
DOCKET NO. 07-0002

IN THE MATTER
OF
MICHAEL ROSS

DISPOSITION AGREEMENT

The State Ethics Commission and Michael Ross enter into this Disposition Agreement pursuant to Section 5 of the Commission's *Enforcement Procedures*. This Agreement constitutes a consented-to final order enforceable in the Superior Court, pursuant to G.L. c. 268B, § 4(j).

On June 8, 2006, the Commission initiated, pursuant to G.L. c. 268B, § 4(a), a preliminary inquiry into possible violations of the conflict of interest law, G.L. c. 268A, by Ross. The Commission concluded its inquiry and, on July 25, 2006, found reasonable cause to believe that Ross violated G.L. c. 268A.

The Commission and Ross now agree to the following findings of fact and conclusions of law.

Findings of Fact

1. Michael P. Ross is a Boston city councilor. He assumed that office in January 2001.
2. In August 2000, the Boston Transportation Department instituted an administrative policy enabling city councilors to have parking violations "administratively dismissed" under certain circumstances. According to the policy, exercising this privilege requires that the councilor be "performing official city business" when the violation occurs.
3. From January 2002 through February 2006, Ross had parking violations dismissed under the policy. Most of these tickets involved parking violations resulting from a failure to pay parking meter fees (\$25 per ticket) and/or parking without a permit in residents-only parking spots (\$40 per ticket). Although Ross was a resident of Boston and therefore eligible for a resident parking permit, he did not obtain such a permit.
4. While a majority of the tickets dismissed during this four year period were issued while Ross was on City business, approximately 35 (out of a total of 105) were issued while he was engaged in personal rather than City business.¹ The estimated value of the dismissed tickets involving personal business was approximately \$1,000.¹ Ross has since reimbursed the City \$1,000 regarding these tickets.

Conclusions of Law

5. General laws, c. 268A, § 23(b) (2) prohibits a municipal employee from knowingly, or with reason to know, using his official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and not properly available to similarly situated individuals.

6. As a Boston city councilor, Ross was a municipal employee within the meaning of G.L. c. 268A.

7. The dismissal of approximately \$1,000 in personal business parking tickets was a privilege or exemption of substantial value.

8. Ross used his Boston city councilor position to obtain the dismissals.

9. Ross's having these parking tickets dismissed was unwarranted because the ticket violations occurred while Ross was engaged in personal rather than official city business and because so dismissing these tickets was in violation of the written Boston Transportation Department policy.

10. This unwarranted privilege was not otherwise properly available to similarly situated municipal employees.

11. Therefore, by knowingly using his position as a Boston city councilor to secure for himself unwarranted privileges or exemptions of substantial value not properly available to similarly situated individuals, Ross repeatedly violated §23(b)(2).

Resolution

In view of the foregoing violations of G.L. c. 268A by Ross, the Commission has determined that the public interest would be served by the disposition of this matter without further enforcement proceedings, on the basis of the following terms and conditions agreed to by Ross:

- (1) that Ross pay to the Commission the sum of \$2,000 as a civil penalty for violating G.L. c. 268A as noted above; parking tickets; and
- (2) that Ross waive all rights to contest the findings of fact, conclusions of law and terms and conditions contained in this Agreement in this or any other related administrative or judicial proceedings to which the Commission is or may be a party.

DATE: January 30, 2007

¹ The exact number and value of the tickets improperly dismissed cannot be determined because of the passage of time and the absence of recordkeeping.